

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CALVIN REED,

Plaintiff,

-against-

P.O. ANDRE LOGAN, et al.,

Defendants.

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22-CV-10446 (JPC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court held a continued status conference today. Defendants appeared through counsel, but the *pro se* plaintiff again failed to appear.

Earlier this week, the Court's staff spoke with plaintiff to confirm that he was aware of the date and time of today's conference. He said that he was. Defendants' counsel reported that he too spoke with plaintiff in advance of today's conference to remind him of the date and time. This morning, however, plaintiff contacted the Court's *pro se* office to report that he might not arrive on time due to a conflicting appointment. The conference, scheduled for 11:00 a.m., proceeded at approximately 11:15 a.m., without the plaintiff.

During the conference, defendants reported that plaintiff has not served any written discovery requests and has not responded to defendants' written discovery requests. Consequently, it is hereby ORDERED that:

- (1) Plaintiff shall respond to defendants' written discovery requests no later than **March 1, 2024**. *If he fails to do so, sanctions may be imposed.*
- (2) The parties shall serve any additional written discovery requests no later than **March 1, 2024**. *If plaintiff fails to serve any written discovery requests by this deadline, he may be deemed to have waived the right to seek written discovery in this action.*
- (3) All remaining fact discovery, including depositions, shall be completed no later than **May 1, 2024**.

Judge Moses will hold another status conference on **May 6, 2024, at 11:00 a.m.** in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007. ***Plaintiff must attend in person. Should plaintiff miss a third conference without excuse, the Court will entertain a motion by defendants to dismiss the case pursuant to Federal Rule of Civil Procedure 41(b).*** No later than **April 29, 2024**, after consultation with plaintiff, defendants shall file a status letter outlining the progress of discovery to date and describing any disputes requiring the Court's attention.

The Court again reminds plaintiff ***that it is his responsibility to keep track of all conferences and other scheduled proceedings and appear in Court at the scheduled date and time.*** (See Dkt. 43.) It is also his responsibility to respond within the time set by the Federal Rules of Civil Procedure (ordinarily 30 days) to written discovery requests from defendants. If plaintiff needs additional time to respond to discovery requests, or needs to postpone or reschedule a court conference or other proceeding, he must first contact defendants' attorney to request defendants' consent to the extension or adjournment, and then ***write to the Court*** to request its approval for the extension or adjournment. Plaintiff must do these things ***before*** the deadline expires or the court proceeding takes place.

Dated: New York, New York
February 1, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge